

October 7, 2022

VIA ELECTRONIC FILING

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, New York 10007

**Re: *Goldstein et al. v. Professional Staff Congress/CUNY et al.*,
 Case No. 1:22-cv-00321-PAE**

Dear Judge Engelmayer:

This joint letter addresses the status of the claims in Count 3 of the Complaint, as required by the Court's order of September 28, 2022, ECF No. 70.

Three plaintiffs brought claims for prospective and damages relief under Count 3. The plaintiffs have conceded that any prospective relief under this Count, and thus any claim against the State Defendants under this Count, is no longer justiciable. (No damages relief was sought by any plaintiff against State Defendants under Count 3.)

Three plaintiffs have the following claim for retroactive relief in the form of money damages (along with interest, attorneys' fees, and costs) against the following defendants:

- (1) Plaintiff Avraham Goldstein's claim for damages against Defendant PSC and Defendant City of New York under Count 3

On April 22, 2022, Defendant City of New York only (not Defendant PSC) made a Rule 68 Offer of Judgment to Plaintiff Avraham Goldstein. On May 6, 2022, Plaintiff Goldstein accepted Defendant City's Rule 68 Offer of Judgment. Plaintiff Avraham Goldstein and Defendant City have been negotiating appropriate attorneys' fees, expenses, and costs. The parties will continue to negotiate, and at oral argument on October 26, 2022, Plaintiff Avraham Goldstein will advise the Court whether a fee application is necessary. Judgment has not yet been entered on the Rule 68 Offer. Once the clerk enters judgment on the Rule 68 Offer of Judgment to Plaintiff Avraham Goldstein and the City pays Plaintiff Avraham Goldstein what it owes on that entered judgment, Plaintiff Avraham Goldstein will not pursue any further claim against the PSC under Count 3. Until the clerk enters judgment on the Rule 68 Offer of Judgment to Plaintiff Avraham Goldstein and the City pays Plaintiff Avraham Goldstein what it owes on that entered judgment, he has a Count 3 claim for money damages against Defendant PSC for dues and/or interest that he alleges were deducted from his wages after the date of his resignation from union membership, along with attorneys' fees and costs.

(2) Plaintiff Frimette Kass-Shraibman's and Plaintiff Mitchell Langbert's claims for damages against Defendant PSC under Count 3

Plaintiffs Kass-Shraibman and Langbert have live claims for money damages against Defendant PSC for dues and/or interest that they alleged were deducted from their wages after the date of their resignation from union membership.

There are no outstanding claims against State Defendants under Count 3.

Respectfully submitted,

s/ Nathan J. McGrath

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